



City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
COMPTROLLER



MANAGEMENT AUDIT

Marjorie Landa

Deputy Comptroller for Audit

Audit Report on the Educational
Alliance's Screening of Personnel
through the Statewide Central Register
of Child Abuse and Maltreatment

ME17-118A

October 3, 2017

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
SCOTT M. STRINGER

October 3, 2017

To the Residents of the City of New York:

My office has audited the Educational Alliance's Lillian Wald Day Care Center (LWDCC) at 34 Avenue D in Manhattan to determine whether its personnel have been properly screened through the Statewide Central Register of Child Abuse and Maltreatment (SCR). We conduct audits such as this to determine whether New York City contractors are complying with relevant statutes and regulations.

This audit reviewed the SCR-clearance status of 14 individuals who were working as employees or volunteers at LWDCC as of February 10, 2017, the date of the unannounced visit to the center, and found that for nine individuals—eight employees and one volunteer—LWDCC did not obtain the most recently required SCR clearances on time; the clearances were late by periods that ranged from 27 days to more than 10 months (312 days). The audit also found that for another employee, LWDCC had not received the required renewal SCR clearance at all; the clearance was more than one year and four months (502 days) late as of February 10, 2017. LWDCC apparently requested the required renewal SCR clearance for this employee on the date of the unannounced visit and then obtained the SCR clearance six days later. For another volunteer observed during the visit, the audit found that LWDCC had no personnel file or SCR clearance.

Based on the audit findings, the audit made a total of seven recommendations to the Educational Alliance, including that it ensure that its personnel receive the required initial SCR clearances before they start work and renewal SCR clearances within two years of their prior clearances as required by the New York City Health Code.

The results of the audit have been discussed with Educational Alliance officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,

A handwritten signature in blue ink that reads "Scott M. Stringer".

Scott M. Stringer

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THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER MANAGEMENT AUDIT

Audit Report on the Educational Alliance's Screening of Personnel through the Statewide Central Register of Child Abuse and Maltreatment

ME17-118A

EXECUTIVE SUMMARY

The audit determined whether personnel working at the Educational Alliance's Lillian Wald Day Care Center (LWDCC) location at 34 Avenue D in Manhattan have been properly screened through the Statewide Central Register of Child Abuse and Maltreatment (SCR). New York City Health Code §47.19 requires that all child care center employees and volunteers undergo an SCR clearance review prior to being hired and every two years thereafter.

Child care centers are essential for many working families. They contribute to the overall development of children by providing education, recreation, and a safe and structured environment for children while their parents work. The Educational Alliance operates an *EarlyLearn NYC* child care center for two and three year-old children at 34 Avenue D in Manhattan (and at one other location) under a contract with the New York City (City) Administration for Children's Services (ACS).

Audit Findings and Conclusions

We reviewed the SCR-clearance status of 14 individuals (12 employees and two volunteers) who were working at LWDCC as of February 10, 2017, the date of our unannounced visit to the center, and found that for nine individuals—eight employees and one volunteer—LWDCC did not obtain the most recently required SCR clearances on time; the clearances were late by periods that ranged from 27 days to more than 10 months (312 days). We also found that for one employee, LWDCC had not received the required renewal SCR clearance at all; the clearance was more than one year and four months (502 days) late as of February 10, 2017. LWDCC apparently requested the required renewal SCR clearance for this employee on the date of our visit and then obtained the SCR clearance six days later. For the other volunteer we observed during our visit, we found that LWDCC had no personnel file or SCR clearance.

Audit Recommendations

To address these issues, the report makes a total of seven recommendations, including that the Educational Alliance ensure that all of its personnel receive the required initial SCR clearances

before they start work and renewal SCR clearances within two years of their prior clearances as required by the New York City Health Code.

Agency Response

In its written response, the Educational Alliance agreed with the audit's seven recommendations and stated that it is in the process of implementing them. The full text of the Educational Alliance's response is included as an addendum to this report.

AUDIT REPORT

Background

ACS is responsible for protecting the safety and promoting the well-being of children and their families by investigating reports of child abuse and neglect, overseeing foster care services, and coordinating affordable child care services. Child care centers are essential for many working families. They contribute to the overall development of children by providing education, recreation, and a safe and structured environment for children while their parents work.

ACS coordinates affordable child care services for families who meet income-eligibility requirements through two principal methods: (1) issuing child care vouchers that families can use to obtain child care services from privately-run child care programs and eligible individuals; and (2) making available seats in *EarlyLearn NYC*, a program whereby ACS contracts with privately-operated child care centers and programs that enroll children for ACS-subsidized child care and early-education services. LWDC operates an *EarlyLearn NYC* child care center for two and three year-old children at 34 Avenue D in Manhattan under a contract with ACS.

In general, child care programs that operate in the City, including the child care centers under contract with ACS, are licensed by the City Department of Health and Mental Hygiene (DOHMH) and must comply with New York State (State) and City statutes and regulations that, among other things, require specific screening procedures for current and prospective personnel, both paid and unpaid.¹ Under New York City Administrative Code §21-119 and New York City Health Code §47.19, individuals who work or volunteer for entities that provide child care services must be fingerprinted and screened for criminal convictions and pending criminal actions. In accordance with an Intra-City Agreement signed by DOHMH, ACS and the City Department of Investigation (DOI), a child care center must send prospective personnel to DOI for such screening. The child care center is also required to determine whether prospective personnel have the training, education, and experience needed to work in particular titles at the center.

In addition, for all prospective personnel, including volunteers, whose duties may result in their having unsupervised contact with children, the child care centers must submit clearance requests to the SCR to determine whether any of them have been the subjects of indicated child abuse or maltreatment reports.² The clearance requests may be submitted by the center and answered to the center electronically through a web-based application or by mail. New York City Health Code §47.19 requires that all child care center employees and volunteers undergo an SCR clearance review prior to being hired and every two years thereafter.

While we were conducting an audit of ACS' monitoring of its contracted child care centers' screening of personnel, the State Office of Children and Family Services (OCFS), which is

¹ Article 47 of the New York City Health Code applies to a "child care service," defined as "any program providing child care for five (5) or more hours per week, for more than 30 days in a 12-month period, to three (3) or more children under six (6) years of age." Title 24 of the Rules of the City of New York (RCNY), section 47.01(c)(1). Each such child care service requires a permit from DOHMH. 24 RCNY 47.03. The Office of the City Comptroller issued a report on October 26, 2016, noting that child care facilities located in "Tier II Family Shelters" have been allowed to operate without DOHMH permits based on a legal opinion that they are exempt because they provide care for children in the children's own residences (i.e., the shelters where the children reside). The City Comptroller's report recommended that those child care facilities in shelters be regulated by DOHMH, just as all other publicly accessible child care centers are in the City, noting, among other findings, that 82 percent of the child care workers in the shelters had not been screened for disqualifying criminal convictions and records of child abuse. See *An Investigation into the Provision of Child Care Services in New York City Homeless Shelters*, Office of New York City Comptroller Scott M. Stringer, October 26, 2016.

² A report is determined to be "indicated" if the investigation resulting from the report concludes that credible evidence of the alleged abuse or neglect exists.

responsible for the operation of the SCR, determined that ACS is not one of the entities allowed by New York Social Services Law §422(4)(A) to receive or review SCR clearances for child care personnel, notwithstanding ACS' central role in contracting with the child care centers for the provision of services to thousands of children. Consequently, ACS can no longer effectively monitor its child care contractors' compliance with the SCR-clearance requirements.

We are continuing our audit of ACS' monitoring of its contracted child care centers' screening of personnel relating to non-SCR clearance requirements, including DOI-clearance and applicable training, education, and experience standards. In addition, given ACS' now-diminished role and inability to review the SCR clearances of child care center personnel, we have chosen a randomly selected sample of child care centers—including LWDCC—to audit for their compliance with the SCR-clearance requirements.

The Educational Alliance has been providing a variety of social service programs in Lower Manhattan since 1889. As of February 10, 2017, LWDCC had 12 employees and two volunteers, and a total enrollment of 20 children in its two *EarlyLearn NYC* classrooms.³

Objective

To determine whether personnel working at the Educational Alliance's LWDCC location at 34 Avenue D in Manhattan have been properly screened through the SCR.

Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the City Charter.

The scope of this audit covered all of the personnel who were employed by or volunteering at LWDCC on February 10, 2017, the date of our unannounced visit to the center, and all people who had the potential of unsupervised contact with children at the center at that time.

During our unannounced visit, we checked the identifications of all of the personnel we observed working at the child care center on that day. For those individuals, plus any employed by the center who were not working on the day of our visit, we reviewed their personnel files, which were maintained by the Educational Alliance's main administrative office located at 197 East Broadway in Manhattan, to determine whether they had received the necessary initial and renewal SCR clearances. This audit did not endeavor to determine the cause of any failure to properly screen personnel through the SCR.

Discussion of Audit Results with the Educational Alliance

The matters covered in this report were discussed with Educational Alliance officials during and at the conclusion of this audit. A preliminary draft report was sent to the Educational Alliance on

³ The Educational Alliance also operates under contract with ACS one other child care center, which is located at 197 East Broadway in Manhattan. This audit concerned only LWDCC, located at 34 Avenue D in Manhattan.

August 16, 2017, and was discussed at an exit conference held on August 22, 2017. On September 11, 2017, we submitted a draft report to the Educational Alliance with a request for comments. On September 25, 2017, we received a written response from the Educational Alliance.

In its response, the Educational Alliance agreed with the audit's seven recommendations and stated that it is in the process of implementing them.

The full text of the Educational Alliance's response is included as an addendum to this report.

FINDINGS

We reviewed the SCR-clearance status of 14 individuals (12 employees and two volunteers) who were working at LWDCC as of February 10, 2017, the date of our visit, and found the following:

- LWDCC obtained the most recently required SCR clearance on time for three employees.
- For nine individuals—eight employees and one volunteer—LWDCC did not obtain the most recently required SCR clearances on time; the clearances were late by periods that ranged from 27 days to more than 10 months (312 days).
- For one employee, LWDCC had not received the required renewal SCR clearance at all; the clearance was more than one year and four months (502 days) late as of February 10, 2017. LWDCC obtained the required renewal SCR clearance for this employee six days after our visit.
- For one volunteer, LWDCC had no personnel file or SCR clearance.

The breakdown is shown in Table I below.

Table I

Timeliness of Most Recently Required SCR Clearances for LWDCC Personnel

Personnel Type	Category	Number of Individuals	Initial or Renewal SCR Clearance Obtained Timely	Initial or Renewal SCR Clearance Obtained Late	No SCR Clearance
Employees	Recently hired (within previous two years)	3	3	---	---
	Worked at center two or more years	9	---	8	1
Volunteers	Recently began volunteering (within previous two years)	1	---	1	---
	Cannot determine when individual began volunteering at center (no personnel file)	1	---	---	1
Totals		14	3	9	2

Nine of the 13 Available Personnel Files Contained SCR Clearances That Were Late

Of the nine employees who had worked two or more years at this location as of our February 10, 2017 visit, eight employees' renewal SCR clearances were received late. For those eight

employees, the renewal SCR clearances were received between 31 and 312 days late, and were, on average, 129 days late. In addition, the initial SCR clearance for one individual who began volunteering within the previous two years at this location was obtained 27 days after the date of appointment.

One of the 13 Available Personnel Files Lacked a Current SCR Renewal Clearance

One employee's renewal SCR clearance was more than one year and four months (502 days) overdue as of the date of our visit. The SCR clearance was subsequently obtained by LWDCS six days after our visit.

No Personnel File or SCR Clearance for One Volunteer

For one of the two volunteers present on the day of our visit, there was no personnel file for this individual or any evidence that the individual had ever been cleared by the SCR. An Educational Alliance official informed us that this individual was a New York University Jumpstart program volunteer. She further stated that the Educational Alliance is not required to maintain personnel files for Jumpstart program volunteers because the program is responsible for screening these volunteers and maintaining their files.

However, according to a September 15, 2010 DOHMH letter to the Jumpstart program provided to us by the Educational Alliance, the center to which a volunteer is assigned is responsible for clearing the individual through the SCR. Therefore, LWDCS should have obtained the required SCR clearance for the Jumpstart volunteer before appointing this individual to work at the child care center.

At the exit conference, an Educational Alliance official stated that, based on two recent agreements between the Jumpstart program and the Educational Alliance, the Jumpstart program (and not the center to which a Jumpstart volunteer is assigned) is now responsible for clearing individuals through the SCR and for maintaining all of the SCR clearance letters. Subsequent to the exit conference, the Educational Alliance provided copies of these two agreements (dated September 6, 2016 and August 8, 2017). However, these agreements state that the Jumpstart program is responsible for conducting criminal history checks, including a "National Sex Offender Public Website check" and an "FBI fingerprint check." The agreements do not specifically mention that the Jumpstart program is responsible for clearing individuals through the SCR, which does not indicate whether or not an individual has been convicted of a crime.

An Educational Alliance official stated at the exit conference that "going forward" the Jumpstart program agreed to provide copies of the SCR clearance letters on its volunteers to the Educational Alliance to help ensure compliance. Whether the clearance letters are obtained from the SCR by the Educational Alliance or the Jumpstart program, it is important for the Educational Alliance to maintain copies of all required SCR clearance letters for the Jumpstart volunteers working at its centers to ensure that such checks have been completed. Furthermore, it would be helpful for the Educational Alliance's agreement with the Jumpstart program to be clear on whether it is the center's or the Jumpstart program's responsibility to obtain clearances through the SCR for Jumpstart's volunteers.

To protect the safety of the children receiving services at the Educational Alliance's LWDCS, it is essential that all individuals who work there be properly screened through the SCR, both prior to appointment and periodically (every two years) thereafter.

Related Matters

During our audit, we noted that the child care center addresses on the most recent SCR clearance letters for all 12 employees and one volunteer working at 34 Avenue D in Manhattan were for the Educational Alliance child care center located at 197 East Broadway in Manhattan. To ensure that any allegations that are received by the SCR are forwarded to the correct location, LWDC should ensure that it has provided the correct work address information to the SCR for all of its personnel. Subsequent to the exit conference, the Educational Alliance provided documentation showing that DOHMH had recently notified child care centers that employees must have the address specific to their work assignment on their SCR result. An Educational Alliance official informed us that due to this recent DOHMH notification, the Educational Alliance will be implementing this recommendation.

We also noted that LWDC did not maintain the appointment letters on site for the three employees and one volunteer who were working at the center on the day of our visit and who had been appointed during the two years immediately preceding our visit. In addition, there was no appointment letter for the Jumpstart program volunteer. Without such letters, it is difficult for management or an independent reviewer, such as a DOHMH licensing inspector, to determine whether an employee's start date preceded the SCR clearance date. During the exit conference, Educational Alliance officials stated that "going forward" they will be preparing and maintaining appointment letters for all new employees and volunteers, and transfer letters for employees and volunteers who transfer between sites.

Finally, we noted that the Educational Alliance maintains all of its personnel files at its main administrative office located at 197 East Broadway in Manhattan. By not maintaining readily-available personnel files (whether electronic or hard-copy) at the child care centers where the individual employees and volunteers are working, it is difficult for site management or an independent reviewer of that center to determine whether the personnel at LWDC have been properly screened.

RECOMMENDATIONS

1. The Educational Alliance should ensure that all of its personnel have received the required SCR clearance before they start work.

Educational Alliance Response: "One of Educational Alliances core functions is to ensure the safety of everyone who participates in our programs, and especially the safety of every child at all of our locations. From the interview process to onboarding of new personnel, from the supervision of staff to their professional development, safety and protection of children is always a focus.

In terms of clearances, new employees at Educational Alliance always have the required SCR clearance before they start work. The individual mentioned in the audit, whose SCR clearance came late, was a parent-volunteer. We will work to make sure no parent-volunteer is cleared for work at any of our child care sites until SCR clearance is complete. . . . No child at Educational Alliance is ever left unsupervised in the classroom with a volunteer whose SCR clearance is in process."

2. The Educational Alliance should ensure that all of its personnel receive SCR renewal clearances within two years of their prior clearances.

Educational Alliance Response: “As part of Educational Alliance's ongoing efforts to review and improve compliance procedures across the agency, we purchased a new workforce software program in March of this year that will enable monitoring of personnel files, including SCRs, by setting up automatic reminders for expiring documents. Our current workforce software program does not have this capability. We are in process of migrating to the new software program, which will ensure SCRs and other staff information get updated on time.”

3. The Educational Alliance should ensure that it provides the correct current work address information to the SCR for all of its personnel.

Educational Alliance Response: “Due to the recent DOHMH requirement that all personnel must have their work assignment address on their SCR clearance, a directive that has been further emphasized by the results of this audit, Educational Alliance has now implemented this requirement. Past practice was to run all SCR clearances from a single account at our central office at 197 East Broadway and all clearances showed the 197 East Broadway address. All of our child care sites now have their own SCR account so that all SCRs will have the current work address for all personnel at that site.”

4. The Educational Alliance should prepare and maintain appointment letters at its child care centers establishing the start dates for all of its new personnel (employees and volunteers).

Educational Alliance Response: “Educational Alliance is now maintaining appointment letters that establish start dates for employees at each of our child care sites. As a result of this audit, we have amended our volunteer practices to make sure volunteers also receive appointment letters establishing their start dates. These too will be maintained at each site.”

5. The Educational Alliance should maintain readily-available personnel files (whether electronic or hard-copy) at the child care centers where the employees and volunteers are working.

Educational Alliance Response: “Every Educational Alliance child care site now has a binder with all required information on employees and volunteers. This information was previously kept only at our central location at 197 East Broadway. To ensure information on each employee and volunteer is complete we have instituted an internal audit by central staff that will take place in September this year and every year after at each of our child care sites.”

6. The Educational Alliance should prohibit the Jumpstart program volunteer cited in this report from working at the center until it receives an SCR clearance for the person and should ensure that it has SCR clearance documentation for any Jumpstart program volunteer providing services in the centers.

Educational Alliance Response: “Educational Alliance agrees. Until recently, the practice was for the Jumpstart program to run SCR clearances on all volunteers and keep them on file, without providing them to us. Starting this school year, Jumpstart will provide the SCR paperwork of each volunteer we will be using and we will run the SCR clearances ourselves. This will ensure we have SCR

clearances on file at each of our child care sites and the address on the clearance matches the volunteer's work site address.”

7. The Educational Alliance should clarify its agreement with the Jumpstart program concerning which organization is required to obtain clearances through the SCR for Jumpstart’s volunteers.

Educational Alliance Response: “We have already revised our current agreement with Jumpstart to reflect this. Jumpstart will provide us with SCR clearance paperwork on its volunteers and we will be running the SCR clearances ourselves.”

September 25, 2017

Marjorie Landa
Deputy Comptroller for Audit
Office of the Comptroller
City of New York

Re: Written Comments to Audit Report Recommendations on Educational Alliance's
Screening of Personnel through the Statewide Central Register of Child Abuse and
Maltreatment

Dear Deputy Comptroller Landa:

Attached are Educational Alliance's written comments to each of the seven recommendations in the draft Audit Report. Thank you for the opportunity to review and respond to the recommendations, and have them included in the final report.

Sincerely,



Joseph Tarver
VP of Operations and Risk Management

Attachment

cc: Henry Fu, Staff Auditor

Educational Alliance Written Comments to Audit Recommendations

- 1. The Educational Alliance should ensure that all of its personnel have received the required SCR clearance before they start work.**

One of Educational Alliance's core functions is to ensure the safety of everyone who participates in our programs, and especially the safety of every child at all of our locations. From the interview process to onboarding of new personnel, from the supervision of staff to their professional development, safety and protection of children is always a focus.

In terms of clearances, new employees at Educational Alliance always have the required SCR clearance before they start work. The individual mentioned in the audit, whose SCR clearance came late, was a parent-volunteer. We will work to make sure no parent-volunteer is cleared for work at any of our child care sites until SCR clearance is complete. When it comes to allowing a volunteer in the classroom whose SCR clearance is in process, we have always based this on Part (i) of 414.10(b)(3) of Title: Part 414 - SCHOOL-AGE CHILD CARE – OCFS. It says,

“Except as set forth in section 414.10(b)(3), a school –age child care program may not permit a person hired by the program, a volunteer or consultant, or a person who is employed by an individual, corporation, partnership or association which provides goods or services to the program to have unsupervised contact with children in the care of the program prior to obtaining the result of the inquiries required by section 414.10(b).” (Section 414.10(b) addresses SCR clearances.)

We believe the operative word in Part (i) is “unsupervised.” No child at Educational Alliance is ever left unsupervised in the classroom with a volunteer whose SCR clearance is in process.

- 2. The Educational Alliance should ensure that all of its personnel receive SCR renewal clearances within two years of their prior clearances.**

As part of Educational Alliance's ongoing efforts to review and improve compliance procedures across the agency, we purchased a new workforce software program in March of this year that will enable monitoring of personnel files, including SCRs, by setting up automatic reminders for expiring documents. Our current workforce software program does not have this capability. We are in process of migrating to the new software program, which will ensure SCRs and other staff information get updated on time.

- 3. The Educational Alliance should ensure that it provides the correct current work address information to the SCR for all of its personnel.**

Due to the recent DOHMH requirement that all personnel must have their work assignment address on their SCR clearance, a directive that has been further emphasized by the results of this audit,

Educational Alliance has now implemented this requirement. Past practice was to run all SCR clearances from a single account at our central office at 197 East Broadway and all clearances showed the 197 East Broadway address. All of our child care sites now have their own SCR account so that all SCRs will have the current work address for all personnel at that site.

- 4. The Educational Alliance should prepare and maintain appointment letters at its child care centers establishing the start dates for all of its new personnel (employees and volunteers).**

Educational Alliance is now maintaining appointment letters that establish start dates for employees at each of our child care sites. As a result of this audit, we have amended our volunteer practices to make sure volunteers also receive appointment letters establishing their start dates. These too will be maintained at each site.

- 5. The Educational Alliance should maintain readily-available personnel files (whether electronic or hard-copy) at the child care centers where the employees and volunteers are working.**

Every Educational Alliance child care site now has a binder with all required information on employees and volunteers. This information was previously kept only at our central location at 197 East Broadway. To ensure information on each employee and volunteer is complete we have instituted an internal audit by central staff that will take place in September this year and every year after at each of our child care sites.

- 6. The Educational Alliance should prohibit the Jumpstart program volunteer cited in this report from working at the center until it receives an SCR clearance for the person and should ensure that it has SCR clearance documentation for any Jumpstart program volunteer providing services in the future.**

Educational Alliance agrees. Until recently, the practice was for the Jumpstart program to run SCR clearances on all volunteers and keep them on file, without providing them to us. Starting this school year, Jumpstart will provide the SCR paperwork of each volunteer we will be using and we will run the SCR clearances ourselves. This will ensure we have SCR clearances on file at each of our child care sites and the address on the clearance matches the volunteer's work site address.

- 7. The Educational Alliance should clarify its agreement with the Jumpstart program concerning which organization is required to obtain clearances through the SCR for Jumpstart's volunteers.**

We have already revised our current agreement with Jumpstart to reflect this. Jumpstart will provide us with SCR clearance paperwork on its volunteers and we will be running the SCR clearances ourselves.